

REMARKS

Pursuant to the February 6, 2008 notice of noncompliant amendment, Applicants submit that the herein amendment is now compliant. There is now a complete listing of all of the claims, including the withdrawn claims, in ascending numerical order and each claim has been provided with a status identifier. Claims 1-3 and 5 through 24 have been withdrawn without prejudice to refile.

Claims 4, 25 and 26 are pending in this application. Claim 25 has been allowed.

The Examiner rejects claim 26 under 35 USC 112, second paragraph for failing to particularly point out and distinctly claim the invention because the claims recite the phrase “-C0-6 alkyl”. The Examiner states that an alkyl group must contain at least one carbon atom. By this amendment claim 26 has been amended to recite “wherein when the carbon atom in -C0-6alkyl equals “0” then no alkyl is present”. Support for this amendment is found on page 16 of the specification. One of ordinary skill in the art would clearly understand the phrase “-C0-6 alkyl” in view of this amendment.

Claim 4 is rejected under 35 USC 112, second paragraph, as being incomplete for omitting who the compound of formula I is administered to. Claim 4 has been amended to recite “to a patient in need thereof” to address the Examiner’s concerns.

Claim 26 is rejected under 35 USC 102(b) as being anticipated by Uchida et al. The Examiner states that this reference discloses compound 10(a-c) which fall within the scope of the instant claim 26. However, a more careful review of claim 26 will reveal that R2 and R3 cannot be hydrogen as required by compounds 10(a-c) of Uchida et al. Thus, claim 26 is not anticipated by Uchida et al.

Regarding the potential rejoinder of claims 1-3 and 5 through 24, Applicants have amended the claims, labeled “**Amended Claims possibly to be rejoined**” and included all of the claims once again. The amendments address the Examiner’s 35 USC 112, second paragraph rejections stated above and first paragraph rejection of claims 8 through 24 regarding the use of the term “prevention”.

As a result of the amendments and remarks, Applicants believe the examiners concerns have been met and overcome. The examiner is therefore respectfully requested to remove the objections and rejections. The Examiner is invited to contact the undersigned attorney at the telephone number provided below, if such would advance the prosecution of this application.

Respectfully submitted,

By


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